

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 BARRY HARRIS,

4 Plaintiff

5 v.

6 STATE OF NEVADA,

7 Defendant

Case No.: 2:24-cv-01496-GMN-MDC

**Order Administratively Closing Case and
Opening Case as a Criminal Matter**

9 *Pro se* Plaintiff Barry Harris filed a Notice of Removal pursuant to 28 U.S.C. § 1455 and
10 Federal Rule of Civil Procedure 11, (ECF No. 1-1). The Clerk of the Court opened this case as a
11 civil matter under prisoner civil rights. However, after reviewing Harris's notice and 28 U.S.C. §
12 1455, the Clerk of the Court is directed to administratively close this civil case and to open
13 Harris's filings as a criminal matter under § 1455.

14 Title 28 U.S.C. § 1455 sets forth the procedure for a criminal defendant to remove a
15 criminal prosecution from state court to federal court. 28 U.S.C. § 1455(a)-(c). A defendant
16 "desiring to remove any criminal prosecution from a State court" must file in the appropriate
17 federal district court a notice of removal signed pursuant to FRCP 11 and meet the specified
18 requirements set forth in the statute. *Id.* at § 1455(a)-(b). If the defendant does not meet the
19 specified requirements set forth in the statute, the federal district court may remand the case. *Id.*
20 at § 1455(b)(4).

21 Because the statute makes clear that this is a removal of a criminal case, the Clerk of the
22 Court is requested to close this civil case and open Harris's filings in a criminal case. The Court
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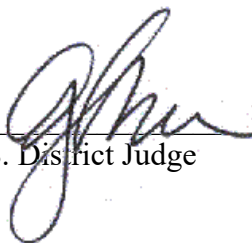
1 makes no determination on whether Harris's notice of removal satisfies the requirements of
2 § 1455.

3 **IT IS HEREBY ORDERED** that the Clerk of the Court is directed to:

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- **ADMINISTRATIVELY CLOSE** this case;
 - 5 • **OPEN** and **FILE** Harris's filings in a new criminal matter; and
 - 6 • **FILE** a copy of this order in the new criminal matter.
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8 Dated: September 20, 2024

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U.S. District Judge

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